

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

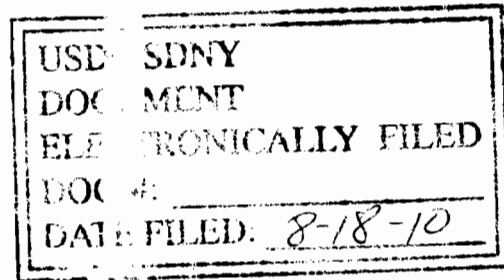
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JAMES PAUL,

Plaintiff,

-v-

WARDEN BAILEY, DR. GOLDBERG, JOHN OR:
JANE DOE, M.B. (DEPUTY WARDEN
O.B.C.C.), and WILLIAM THOMAS,

Defendants.
-----x



09 Civ. 5784 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

On July 21, 2010, the Honorable James C. Francis, United States Magistrate Judge, issued a Report and Recommendation ("Report") in the above-captioned matter recommending that plaintiff's claims against defendant Dr. Goldberg and William Thomas be dismissed with prejudice, that his claims against Warden Bailey to be dismissed without prejudice, and that plaintiff be given leave to amend his complaint in order to assert facts that could support a claim against Warden Bailey.

None of the parties has filed any objection to the Report, and, for that reason alone, the parties have waived any right to further appellate review. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Wagner & Wagner, LLP v. Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile, P.C., 596 F.3d 84, 92 (2d Cir. 2010). Accordingly, the Court hereby adopts the Report, and, for the reasons stated therein, dismisses with prejudice plaintiff's claims against Dr. Goldberg and William Thomas, dismisses without prejudice

plaintiff's claims against Warden Bailey, and grants plaintiff one last opportunity to replead his claims against Warden Bailey.

The Clerk of the Court is directed to close document number 16 on the docket of the case.

SO ORDERED.

Dated: New York, NY
August 18, 2010


JED S. RAKOFF, U.S.D.J.